

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION  
No.:2:09-CR-9-1-BO

UNITED STATES OF AMERICA                  )  
    )  
    )  
v.   )   ORDER  
  )  
BYRON JAVONNE DELOATCH                 )

This matter is before the Court upon Defendant's *pro se* motion to dismiss the indictment. [DE 113] For the following reasons, Defendant's motion to dismiss is DENIED.

BACKGROUND

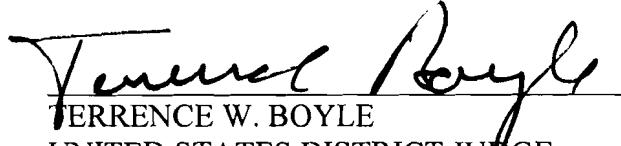
On March 3, 2009, the Grand Jury returned a three count indictment charging the Defendant with mail fraud in connection with a scheme to defraud retailers and their credit card issuers in violation of Title 18, United States Code, Section 1341. [DE 1]. Defendant's trial is currently scheduled for this Court's January, 2011 term of Court.

On October 13, 2010, Defendant filed the instant motion to dismiss. The Defendant's motion is without support and is entirely devoid of merit and is denied.

DISCUSSION

There are no facts that would support an issue of recusal in this case. Nor has the Defendant made any sufficient claim for prosecutorial misconduct. The Defendant's claims are entirely without merit and denied.

This the 20 day of December, 2010.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE